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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,928	04/02/2004	Sigmund Echlter	9477.0001-00	9445
22852	7590	02/09/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/815,928	Applicant(s) ECHTLER, SIGMUND	
	Examiner Winnie Yip	Art Unit 3636	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on November 22, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

1. Claims 6- 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Endall (UK Patent No. 2,138,882).

Endall shows and discloses a device comprising a housing rail (10) having a U-shaped cross-section, the housing rail including a rib (11) and two arms (12) extending parallel to each other and extending perpendicularly from the rib, the arms having a bead (13) at upper ends of their inner surface and a centre portion, the beads being separated with a distance (14), the U-shaped cross section defining an opening formed by the two arms and the beads, a distance between two bead portions is shorter than the distance between the centre portions, a deformable filler section (15) sized slightly larger than the opening of the housing rail such that when the deformable filler section is placed inside of the U-shaped cross section of the house rail, the deformable filler section deforms to releasably grip a flexible fabric (16) against the inner surface of the U-shaped cross section of the house rail, wherein the deformable filling section (14) is deformable and resumes its original shape upon removal from the housing rail and keeps the shape it resumes upon insertion into the housing rail, and the housing rail having external ribs (18) extending outwardly from the housing rail for supporting the housing rail fixing bellow ground (see Fig. 4) or mounting above ground (see Fig. 3).

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2. Claims 6- 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucous (US Patent No. 4,410,027).

Lucous shows and discloses a device comprising a housing rail (15 or 15a) having a U-shaped cross-section, the housing rail including a rib (21) and two arms (18) extending parallel to each other and extending perpendicularly from the rib, the arms having a bead (25) at upper ends of their inner surface and a centre portion (26), the beads being separated with a distance to define an opening formed therebetween, a distance between two bead portions is shorter than the distance between the centre portions, a deformable filler section (40a) sized slightly larger than the opening of the housing rail such that when the deformable filler section is placed inside of the U-shaped cross section of the house rail, the deformable filler section deforms to releasably grip a flexible fabric (12) against the inner surface of the U-shaped cross section of the house rail, wherein the deformable filling section (40a) is deformable and resumes its original shape upon removal from the housing rail and keeps the shape it resumes upon insertion into the housing rail, and the housing rail having external ribs (70 or 91) extending outwardly from the housing rail for supporting and fixing the housing rail fixing to a support surface.

Allowable Subject Matter

3. Claim 5 is allowed.

Response to Argument

4. Applicant's arguments filed November 22, 2005 have been fully considered but they are not persuasive.

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In response to applicant's argument that the reference to Endall does not teach "a deformable filler section ..." as recited in claims 6 and 7, it is not deemed persuasive. Notice, Endall teaches a deformable filler section (15) which is sized slightly larger than an opening of the housing rail between top ends of two arms, and the deformable filler section (15) being made of flexible material such that it is deformed when inserted into the U-shaped housing rail. Therefore claims 6-7 broadly read on the references. And, the rejections stand grants.

ACTION IS FINAL

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. ' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

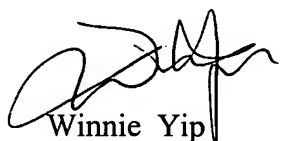
Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
February 6, 2006

REPLACEMENT SHEET

Inventor(s): Sigmund ECHTLER Application No.: 10/815,928

Title: DEVICE AND METHOD FOR FIXING AT LEAST ONE FLEXIBLE FABRIC AS WELL AS HOUSING RAIL
FOR A FILLER SELECTION

1/6

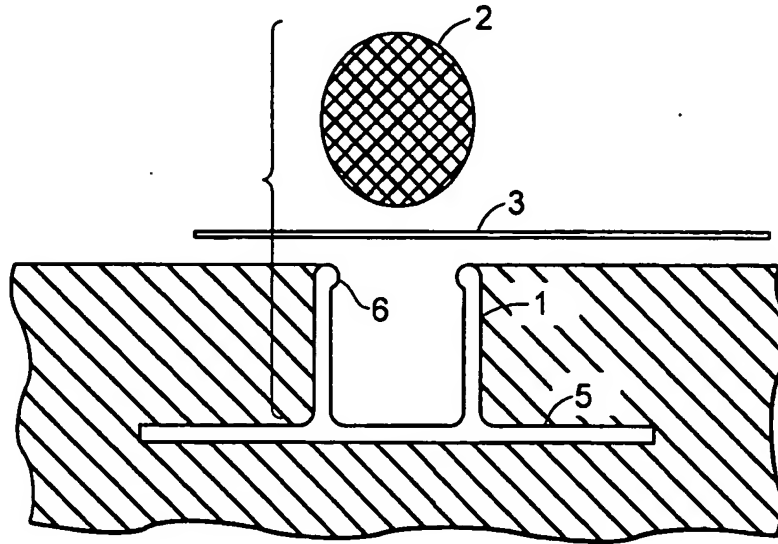


FIG. 1

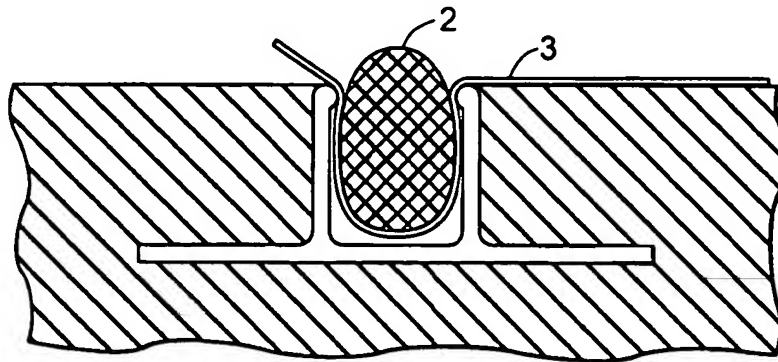


FIG. 2

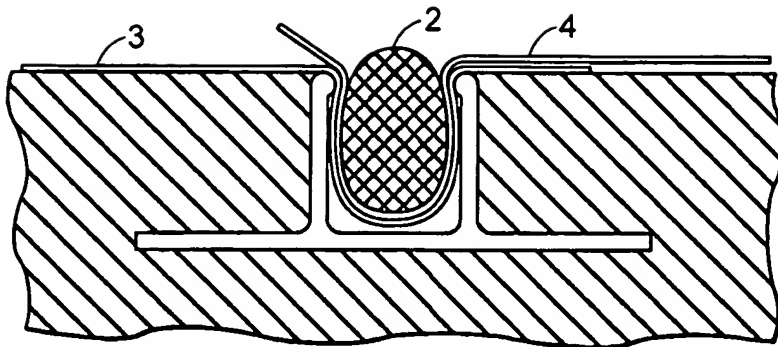


FIG. 3